IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.389 OF 2007

Ramesh Laxman Gadhave ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.A.P.Mundargi, Sr.Advocate for the Applicant.
Mr.S.R.Shinde, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 10th April, 2007.

P.C.:

1. Heard the learned Senior Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.13 of 2006 of Paud Police Station, Pune. The said case is mainly under Section 302 of IPC.

3. It is the prosecution case that one Sandip @ Bandu Dagade was on enmical terms with one Mahesh Mengade. Hence he entered into a conspiracy with the present applicant and other accused to murder Mahesh Mengade. The involvement of the applicant in the said conspiracy is clearly

made out from the statement of Deepak Mahadik. Deepak has stated that he was in need of money hence he approached coaccused Yogesh and informed him (Yogesh) that he was in need of Rs.15,000/-. At that time, applicant was accompanying Yogesh. On hearing what witness Deepak stated to Yogesh, the present applicant told witness Deepak that if he does one work for him, money would be paid to him. Thereafter, Deepak asked the present applicant the nature of the work, whereupon, the applicant informed that one Mahesh Mengade is to be murdered. However, Deepak declined to render any assistance in the said murder. Thereafter again the present applicant informed witness Deepak that Mahesh should be murdered as soon as possible and they should not worry as the applicant would get them released on bail. Thereafter after about 6-7 days the present applicant told Deepak that Mahesh should be murdered as soon as possible and all the setting had been done by the present applicant. Besides this statement, one Mahesh Dhumal has stated that the present applicant used to discuss about the murder of Mahesh Mengade with the coaccused and this witness (Mahesh Dhumal) was also asked to

join them and he will get money. However, this witness refused to do so.

4. Mr.Mundargi submitted that the statement of Deepak has been recorded belatedly. However, in my view, this is a aspect which would have to be gone into at the time of trial. *Prima facie*, there is sufficient material to connect the applicant with the crime.

5. Lastly, it was submitted by Mr.Mundargi that no reliance can be placed on the statement of Mahesh Dhumal as he is an accomplice and there is no sufficient corroboration to his statement. In support of this contention, Mr.Mundargi has placed reliance on a decision of Supreme Court in the case of **Chandan & Anr. Vs. State of Rajasthan**, reported in **(1988) 1 SCC 696**. However, looking to the facts of the present case, it cannot be said that witness Deepak is a accomplice. Hence this decision would have no application to the facts of the present case.

6. Looking to all these facts, I am not inclined to grant bail. Application is rejected.

(SMT.V.K.TAHILRAMANI,J.)